

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

MIGUEL A. ADAMS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-07-1300-D
	)	
D. O. COREY GREEN, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, a state prisoner who appears *pro se*, brought this action pursuant to 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge Robert E. Bacharach for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B).

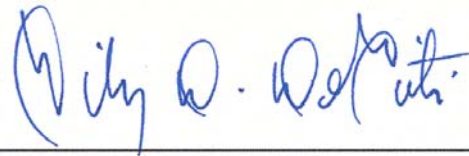
The Magistrate Judge granted Plaintiff's request to proceed *in forma pauperis*. In the Order [Doc. No. 6], the Magistrate Judge granted the motion to proceed without full prepayment of the filing fee, but directed plaintiff to pay an initial partial fee of \$12.52 by December 10, 2007. The Magistrate Judge also expressly warned Plaintiff that his failure to make the payment by that date or to show cause in writing for a failure to pay could result in the dismissal of this action without prejudice to its refiling. Plaintiff did not pay the partial fee by the deadline, and did not attempt to show cause for his failure to do so. In a December 12, 2007 Order [Doc. No. 8], the Magistrate Judge *sua sponte* extended the deadline for submitting the partial filing fee to December 27, 2007, and again advised Plaintiff that his failure to submit payment by that date could result in dismissal of the action without prejudice. Plaintiff again failed to comply.

On January 7, 2008 the Magistrate Judge filed a Report and Recommendation [Doc. No. 9] in which he recommended that this action be dismissed without prejudice to its refiling because of

Plaintiff's failure to comply with the previous orders. In the Report and Recommendation, plaintiff was advised of his right to object to the findings and conclusions contained therein; the deadline for doing so was January 28, 2008. The Magistrate Judge also advised Plaintiff that failure to timely object to the Report and Recommendation would constitute a waiver of his right to appellate review of the findings and recommendations contained therein.

To date, Plaintiff has not filed an objection to the Report and Recommendation and has not sought an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No. 9] is adopted as though fully set forth herein. The action is DISMISSED without prejudice to the filing of a new lawsuit.

IT IS SO ORDERED this 5<sup>th</sup> day of February, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

